

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**CLASS COUNSEL'S MOTION TO SUPPLEMENT PETITION
FOR ADOPTION OF A SET-ASIDE FROM EACH
MONETARY AWARD AND DERIVATIVE CLAIMANT AWARD**

Class Counsel respectfully moves the Court for leave to file the Supplemental Declaration of Christopher A. Seeger in Support of Petition for Adoption of a Set-Aside from Each Monetary Award and Derivative Claimant Award ("Supplemental Declaration"), which accompanies this motion as Exhibit A.

On February 13, 2017, Class Counsel filed a Petition for an Award of Attorneys' Fees, Reimbursement of Costs and Expenses, Adoption of a Set-Aside of Each Monetary Award and Derivative Claimant Award, and Case Contribution Awards for Class Representatives ("Common Benefit Petition"). ECF No. 7151. As is relevant here, the Common Benefit Petition requested,

in accordance with section 21.1 of the Settlement Agreement (ECF No. 6481-1 at 82), a five-percent holdback or set-aside from Monetary Awards and Derivative Claimant Awards under the Settlement for the purpose of compensating common benefit work performed in connection with the Settlement's implementation. ECF Nos. 7151 at 2, 7151-1 at 70-75, 7151-2 at 31-35 (¶¶ 101-19) ("set-aside request" or "holdback request"). The briefing of the Common Benefit Petition closed with the filing of Class Counsel's reply papers on April 10, 2017. ECF No. 7464.

In its April 5 and May 24, 2018 and January 16, 2019 attorneys' fees-related rulings, the Court stated that it was deferring a final ruling on the set-aside request to a later date pending further evidentiary development. ECF No. 9860 at 2, 8-9, 17-20; ECF No. 9862 at 8 n.5; ECF No. 10019 at 4 n.2; ECF No. 10378 at 1 n.1. Given the passage of time since the Court deferred a ruling a ruling on the set-aside request and the fact that the Settlement's effectuation is now into its fourth year, Class Counsel wishes to adduce pertinent evidence concerning the holdback request so as to update the record.

Specifically, in the accompanying Supplemental declaration, Class Counsel provides a comprehensive overview of the common benefit work performed in furtherance of the Settlement's implementation over these past three and one-half years in general, and in particular facts concerning matters that have been dealt with since the Court deferred a ruling on the set-aside request. Supplementation of the record is particularly appropriate at this time, now that the Court's 2018 and 2019 fee-related rulings have received appellate review. *See In re Nat'l Football League Players' Concussion Injury Litig.*, ___ F. App'x ___, No. 18-2012, 2020 WL 2214131 (3d Cir. May 7, 2020).

Accordingly, Class Counsel respectfully requests that the Court accept the accompanying Supplemental Declaration.

Dated: July 14, 2020

Respectfully submitted,

/s/ Christopher A. Seeger

Christopher A. Seeger
SEEGER WEISS LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660
cseeger@seegerweiss.com
(T) 212-584-0700
(F) 212-584-0799

Class Counsel

CERTIFICATE OF SERVICE

I, Christopher A. Seeger, hereby certify that a true and correct copy of the foregoing was served electronically via the Court's electronic filing system on the date below upon all counsel of record in this matter.

Dated: July 14, 2020

/s/ Christopher A. Seeger
CHRISTOPHER A. SEEGER